

State Income Tax Attacked In U. S. Court

Yale & Towne File Complaint Alleging Withholding Money From Non-Residents Is Unconstitutional

Will Be Argued Thursday

Attorney General Newton to Appeal to Judge Hand for Dismissal of the Action

A suit designed to test the legality of the new state income tax law in so far as it affects citizens of New Jersey and Connecticut and other non-residents employed here has been filed in the United States District Court.

Charges that the provisions of the law dealing with non-residents are unconstitutional are contained in the complaint filed in behalf of the Yale & Towne Manufacturing Company, a Connecticut corporation, with general offices in this city, by its counsel, Louis H. Porter, F. C. Taylor and Archibald Cox, against State Controller Travis.

The object of the suit is to prevent state officials from compelling the Yale & Towne Company to withhold the tax from the salaries of non-resident employees, as provided under the act.

The plaintiff asks the Federal courts to protect it from any penalties the state may impose for refusal to make the required deductions, which the company alleges will cause it additional accounting burden, with extra expense, and lay it open to suits for the abrogation of contracts to pay its employees full stipends.

Says It Is Unconstitutional

The suit raises the question of the constitutionality of the act, which allows New Yorkers exemption denied non-residents.

Argument will be heard day after tomorrow by Judge Hand on a motion by Attorney General Newton to dismiss the suit.

The complaint says the Yale & Towne Company, whose home office is in Stamford, Conn., maintains an office here in which a large number of residents of Connecticut and New Jersey are employed. The section of the complaint dealing with the withholding of salaries of non-resident employees reads:

"The persons residing outside of the State of New York who are employed by the company are subject to the conduct of the company's business either all or a portion of their working time in the State of New York, and whose annual salaries or fixed compensation exceed \$1,000 a year, exceed fifty in number, and their total salary or compensation exceeds \$200,000."

"The amount of the tax required by the State of New York to be withheld by the company from the salaries of its employees residing outside of the State of New York exceeds the sum of \$3,000 per annum. The amount of the tax which the company would be put annually in withholding a percentage of the salaries of those employees, as required by the personal income tax law, would exceed \$1,000."

The company alleges that the law is unconstitutional and is in particular contrary to and in violation of, the guarantees of the United States Constitution, as follows:

"It is contrary to and in violation of Article I, Section 8, of the Constitution, in that it interferes with and directly burdens commerce between the different states; is contrary to and in violation of Article I, Section 10, in that it impairs the obligation of contracts between the company and its employees; in violation of Section 2, Article 4, in that it deprives the citizens of the states of New Jersey and Connecticut of the privileges and immunities enjoyed by the citizens of the State of New York, and is in violation of the Fourteenth Amendment to the Constitution, in that it abridges the privileges and immunities of citizens of the United States residing in and citizens of Connecticut and New Jersey, and states other than New York, in that it deprives the company and its employees of the property without due process of law, and denies to them the equal protection of the laws."

Gov. Smith Opposes An Extra Session

But Attorney General and Controller Say That Income Tax Law Must Be Corrected Now

SPECIAL CORRESPONDENCE
ALBANY, July 21.—The question as to whether an extra session is necessary to correct defects in the state income tax law will be put to the leaders of the two houses to-morrow. Speaker Sweet, of the Assembly, and Majority Leader Walters, of the Senate, will be here at that time and their opinions will be sought before a final decision is reached.

Governor Smith had a long conference to-night at the Executive Mansion with Attorney General Newton, Controller Travis, Deputy Controller Wendell, James A. Parsons, his legal advisor, and George R. Van Name, his secretary.

A difference of opinion arose. Newton and Travis believed that immediate action was imperative, while the majority thought the law could be corrected at the regular session next January, as the collection of the income tax does not begin until next March. Put off final decision until the legislative leaders reach here to-morrow. It was made plain, however, that the income tax will be imposed on residents and the organization of the income tax bureau in the State Controller's office will continue. Attorney General Newton said there is no question as to the right of the state to impose a personal income tax on residents.

The Attorney General Newton believes that if the non-resident action of the extra session will be needed this summer or fall to correct it, it has been estimated that the income tax law would net the state about \$5,000,000 from non-residents. Mr. Newton said the state would lose that amount this year if it were found that the income tax has no right to tax non-residents, but that the non-resident section of the law in its present form is invalid and is not corrected immediately. He declared the state could not wait for action by the next regular session, as the tax on the incomes of non-residents must be deducted by employers before January 1.

PIG TOWN

PIGTOWN is up in arms. Pigtown is a section of Brooklyn in the vicinity of Empire Boulevard, where the favorite domestic pets are pokers and roosters. It is a neighborhood where the goats are unknown, but where lawns and shrubbery flourish. Yesterday some thirty goats from Pigtown invaded Spotless Town and were running on George C. Bennett's lawn at New York Avenue and Crown Street. Bennett summoned Patrolman Studdell and the two charged the goats. Twenty-nine fled. The one that stood ground was leashed and taken to the Gates Avenue police station. Later its owner, Kate Cuzzo, of 33 Empire Boulevard, came to claim it. She was referred to Magistrate Brown, who fined her \$2. The inhabitants of Pigtown declare the Spotless Town folks are entirely too stuck-up.

MAGISTRATE HOUSE, who has been playing detective in his off hours to ascertain where motor law violations are the worst and who the offenders are, has received numerous letters at the Traffic Court from sections of the city and suburbs which wish him to turn his attention to them.

He was now working, he said, yesterday, from 7 to 11 p. m., at his extra job, instead of from 8 to 10, and expected to devote part of his vacation to the quest.

THE police were late yesterday in arriving at a christening party at 951 Grand Street, Brooklyn, and all the merry-makers but one had dragged themselves away.

John Stortz, the one who remained, had been stabbed about the head and body and stamped on. He was taken to St. Catherine's Hospital. William Urban, of 943 Grand Street, and Victor Andri, 103 Bushwick Avenue, who had injured which led the police to suspect they had attended the christening, after receiving medical attention, were locked up suspected of being Stortz's assailants.

JOSEPH A. VANDEGRIFT, of Great Neck, L. I., was found guilty in the Long Island City police court of driving across Queensboro Bridge at the rate of twenty-seven miles an hour. Sentence was suspended because Mr. Vandegrift was so puzzled as to how he had managed to make twenty-seven miles an hour.

He had the Mayor of Callao, Peru, in his car, he said, and was explaining to him the traffic regulations on the various bridges. Just before the patrolman stopped them, Mr. Vandegrift said,

Ship Owners Refuse Concessions to Men

Big Strike Is Again in Deadlock, With 250 Vessels Tied Up in This Port and 14,000 Seamen Kept Idle

Next Move Is Uncertain

Seventeen More Boats Arrive and 1,000 Workers Join in the Walk Out

Members of the American Steamship Association sat in executive session yesterday and decided to offer no concessions to the International Seamen's Union.

This leaves the strike situation at a deadlock. With 250 loaded ships under the American flag tied up in this port and 14,000 marine workers idle, the ship owners declare the next move must come from the seamen. Union officials said the dispute might have to go to the Mediation and Conciliation Division of the Department of Labor for settlement.

"We are through. We are willing to adjust wages, hours and working conditions, but we will not submit to the demands of the union, which are not only but an attempt to force us into a closed shop agreement. We will tie up the ships and wait."

This statement was made by H. H. Raymond, president of the association and of the Clyde line, who was chairman of the meeting.

Mr. Raymond admitted that the owners would be willing to proceed on a basis of giving first preference to American seamen, union or non-union, with the union seamen to have second choice and the non-union aliens third. But he declared this proposition, which had been suggested by union men was merely camouflage.

Only 60 Per Cent Organized

"The union is only 60 per cent organized on its own admission," he said. "I doubt if it has half of the men signed up. Its demands that we recognize the union mean that we must organize the men for it. Its delegates have passes to the piers. They can organize the seamen. As far as American seamen are concerned, we would hire them, but there are few of them."

"If we should sail with non-union members in a crew we would be obliged to discharge them when we arrived at port and take on whatever union men were available, even though these men were satisfactory and were responsible citizens with families on shore."

Mr. Brown, leader of the striking seamen, said Mr. Raymond was wrong in charging the union with camouflage in the preferential idea for Americans.

But aides seemed to be uncertain as to a definite move. The ship owners did not adjourn to a set day, but announced that they would be "subject to" not earlier than two days hence. Mr. Brown said the strikers would meet at once and discuss matters. Mr. Raymond said the loss due to the tie-up was negligible, and the strikers insisted they would remain out for months. Meanwhile freight has been piled up on many piers, unmoved for days.

More Trouble in Sight

More trouble was forecast yesterday when Thomas L. Delahanty announced the text of a letter to the National Marine Engineers' Beneficial Association.

"We are going to go to bat August 1 for what will mean a 35 per cent increase unless the Shipping Board and the ship owners settle the wage question and other working rules which were adopted by this association and left to a committee for final adjustment," he said.

The order allows until July 31 as a period of grace. It states:

"Members of the M. E. B. A. shall sign no ship's articles on or after August 1, 1919, that do not provide a

New York City Is Not in Market for Army Canned Food

Newark Is Largest Municipality Preparing to Take Advantage of Government Offer of Reduced Prices

Briefs

New York City, the largest potential bidder for some of the millions of pounds of bacon, canned meats and canned vegetables which the army has for sale, made no effort yesterday to get in touch with Lieutenant Frank A. Dee, who is in charge of the surplus property division of the Quartermaster Corps and is handling the sale of the foodstuffs purchased originally for soldier consumption.

Lieutenant Dee mailed circulars on Saturday calling to the attention of heads of hundreds of Eastern municipalities the sale of the army food at sacrifice prices. The government is prepared to sell the stores to municipalities at 80 per cent of the cost. As most of the food was purchased when prices were from 20 to 30 per cent lower than now, the stores could be bought at 60 per cent of the prevailing market price.

Five cities communicated with Lieutenant Dee for additional information yesterday. Newark, N. J., was the largest of these. Mayor Gillen was granted by the City Commission a resolution to make purchases. Temporary loan bonds will be issued, it was announced, to raise \$100,000 for the purpose. It is planned to use some of the funds generated by friction in a conveyor at the F. R. Mitchell factory, 609 East Seventeenth Street.

A truck struck an electric light pole at Ridge and Delancey Streets on which Frank Termini, a painter, was working. The pole was snapped off short and Termini was thrown to the street. His skull was fractured.

A man believed to have been Dennis Callahan, an elevated train guard, was dead, with his throat cut, in the Mills Hotel, at Seventh Avenue and Thirty-sixth Street. The police said he had committed suicide.

Throughout its session the Bridge Plaza police court in Brooklyn was disturbed by the falling of plaster loosed during the week of almost constant rain. Magistrate complained to the Building Department.

Charles Johnson, negro elevator operator at the Hotel Joyce, 31 West Seventy-third Street, was held under \$1,000 bail to answer charges of having stolen silk shirts, socks and other wearing apparel as well as articles of jewelry from guests.

Dr. Jonathan C. Day, Commissioner of Public Markets, said yesterday that he is in favor of city supervised purchases of some of the food.

"The city of New York is prevented, by laws passed by the Legislature last year, from purchasing food," said Dr. Day. "The only way in which the city could buy some of the army food would be for Mayor Hylan to appoint a committee of public spirited men to obtain subscriptions to a fund. The committee could supervise the purchases and sales."

Dr. Day did not know whether Mayor Hylan was considering the appointment of a committee, although he said he has spoken to him about it.

Lieutenant Dee said yesterday that the food now held by the army would affect prices in general only if released at once. Even then, he declared, the effect would be temporary.

New York Man Would Become Vice-President

W. E. Ryan Is Willing to Run as Mate of Poindexter, Borah or Harding

The Man Who Wants to Be Vice-President has been found. He is W. E. Ryan, an employee of the Treasury Department, who is a voting residence at 218 West Twenty-eighth Street and is sleeping residence at 666 G Street N. E., Washington.

The Tribune, confiding to the voting public his opinion and his choice of a running mate.

Mr. Ryan covets the Vice-Presidential job; he values it beyond rubies and dreams about it at night. His party choice is "preferably Republican" and he is willing to run with Senator William E. Borah, Senator Miles Poindexter or Senator Warren G. Harding.

Among his qualifications for the job he mentions membership in the Friends of Irish Freedom and the Home Defence League. He stipulates that it has got to be the duty of the Vice-President to stay in Washington and attend to his job, giving the Vice-President a free hand for his affairs.

Some of the planks of the Ryan party are: No foreign entanglements, no foreign allies, no immigration for three years, free coinage of gold and silver and the repeal of the dry amendment.

Admit Navy Yard Thefts

Two Held After Carrying Off Goods Hidden in Kindling

Committee of Citizens Also to Join Conference Over Demand for Increased Wages

Representatives of the millers, water-tenders and firemen on the municipal ferries, together with a committee of citizens, will wait on Mayor Hylan to-morrow on the ferryboat here and in the wage demands made by the workers. The two committees were named after the walk-out that tied up the Thirty-ninth Street ferry lines for six hours last Friday night.

Matthew J. Cahill, Democratic leader of Richmond Borough, assured the men that he would lead the matter before the Mayor, after he and Public Services Commissioner John J. Delaney had urged the men to return to work. Mr. Cahill conferred with the men yesterday. They want \$15 increased pay monthly.

The workmen assert that the wage controversy affects not only the men employed on the ferries here, but also those working on the ferries and others operated by the city. Considerable interest has been attached to the conference because of a report that Mayor Hylan was considering the action for these city employees responsible for the sudden stoppage of ferry service.

Thousands who live on Staten Island were put to great discomfort, and because the men virtually took the matter in their own hands, it was hinted that the two were about to be taken to the Mayor's office. Some heads are about to fall. The men claim they are about six months to consider their demands before they struck.

Rich Youths Are Fined After Perilous "Joy Ride"

John L. Russell Accused of Pocketing \$2 Fee

John L. Russell, secretary of the Darrington Realty and Surety Company, 200 Broadway, was held for Special Sessions yesterday in the Morris police court on a charge of pocketing \$2 fee.

Alfred Baetz, of 2265 Glenwood Avenue, The Bronx, alleges he gave Russell \$2 on August 26, 1918, as a reward for finding connection with the purchase of two lots in Darrington Centre, L. I., from the Darrington Realty and Surety Company. Baetz accused Russell of pocketing the \$2, saying that the deeds never had been recorded.

Aid for Tubercular Men Rejected by Draft Proposal

The state tuberculosis committee of the State Charities Aid Association is making efforts to assure treatment and care for the 2,411 men rejected on account of tuberculosis draft boards on account of tuberculosis.

The committee sent out requests yesterday that relatives of these men, or postal or local officials in the cities and towns where they lived, send data regarding them to the committee's headquarters, 105 East Twenty-second Street. Since the records of these men are taken by the draft boards many of them have moved.

JOHN WANAMAKER

THE STORE THAT REFLECTS THE GOOD TASTE OF NEW YORK

JOHN WANAMAKER
Formerly A. T. Stewart & Co.
Broadway at Ninth, New York.
Store Hours, 9 to 5.

Good morning!
This is July 22!
The weather today will probably be showery.

Reasonably Able Men

who have concentrated their whole time upon the study of special subjects are generally acknowledged as authorities upon the particular matters upon which they have specialized.

—The Morgans in finance, Elihu H. Root in constitutional and corporation law, the Scribners and Putnams in book publishing.

As to the business of Dry Goods, Wearing Apparel, Housefurnishings, Furniture and articles of Silver and Gold Jewelry, we respectfully submit that the present owners, who established it, having for 58 years devoted themselves with great zeal to making the Store what the public knows it to be, may with presumption be considered authorities in the class of business we are following.

[Signed]
John Wanamaker
July 22, 1919.

Frequent bus service between 7th Ave. Subway at Christopher street (Sheridan Square) and the Store.

The new subway station at 57th street and Seventh Avenue is an entrance to the John Wanamaker Store. Get off at the 8th street and Broadway station and step into the Store.

Charming new blouses

Could anything be cooler in the summer than a blouse of sheerest batiste? We have a new model—which comes

in light blue, maize, orchid, green and navy figured batiste; trimmed with a crisp organdie collar and cuffs which are finished with a knife-pleated frill; \$8.50.

Some white batiste blouses, beautifully embroidered. The materials were imported from the Philippines and are exquisitely embroidered; however, the blouses were made in New York and have smart, correct lines.

One model has a pretty butterfly design embroidered on the collar, cuffs and down the front. The collar is square and good-fitting.

Another style has a forget-me-not motif in its design.

Quite a few different styles to select from—all \$10.75.

Third floor, Old Building.

Gay summery printed voiles

The sort that every woman likes to have made into little cool and becoming summer frocks.

Some are in stunning big Georgette and foulard designs, suitable for the stately woman who wears these large figured materials so well.

In midnight blue and other dark backgrounds, quite suitable for street wear in town.

At \$8c, and up to \$1 yd.

Main floor, Old Building.

White tub skirts for women, \$5

300—really the cleverest models we've been able to achieve.

The matter of pockets properly placed and well designed, pearl button fastenings of irreproachable quality, girdles that really fit and are really becoming. These are the "points" of a well-groomed, properly made white tub skirt. All of our skirts "make" these points.

In fine cotton gabardine and cordelene.

Second floor, Old Building.

Summer cotton remnants

5,000 yards, in lengths from 1½ yards to whole dress lengths—a great assortment, including the most popular of the summer's styles and weaves—originally 25c to \$2 yard—Today, 10c to \$1 a yard.

Main Aisle, Old Building.

Here's a refrigerator that costs but \$30

while another refrigerator, made by the same manufacturer the same way, just one inch wider, one inch deeper and two inches higher, sells for \$53.75.

The \$30 refrigerator is the WANAMAKER - SPECIAL, 35 inches wide, 22 inches deep, 50 inches high, holds 125 lbs. ice, and has provision chambers lined with baked-on (not painted) white enamel.

A new lot just in.

Seventh Gallery, New Building.

August Furniture Sale

Now going on

Visitors in New York are taking advantage of the Sale. New Yorkers themselves are coming in from their summer homes to share in the Sale. Furniture is going into city homes every day, and where necessary is being held for Autumn delivery.

Wanamaker's is the only store in New York that is offering a furniture sale on this magnitude. It is the only store that can offer such a sale.

Matched bedroom suites
A complete assortment in period designs of mahogany, walnut and enamels in a wide range of prices, ranging from \$195 to \$1,500. Some examples:

	Grade	Price
6-piece mahogany suite; full-sized bedstead, dresser, chiffonier, dressing table, chair and bench.....	\$247.00	\$195.00
4-piece walnut suite; full-sized bedstead, dresser, chiffonier and dressing table.....	\$305.00	\$274.50
7-piece blue and brown finished suite; twin bedsteads, dresser, chiffonier, dressing table, night stand and toilet mirror.....	\$413.00	\$371.50
9-piece brown mahogany suite, Louis XVI. design; twin bedsteads, dresser, dressing table, desk, night stand, chair, rocker and bench.....	\$581.00	\$436.00
5-piece suite, Louis XVI. design; full-sized bedstead, dresser, chiffonier, dressing table and chair.....	\$563.00	\$506.50
7-piece mahogany suite, Louis XVI. design; full-sized bedstead, dresser, chiffonier, dressing table, chair, rocker and bench.....	\$870.00	\$652.00
8-piece walnut and gold suite; twin bedsteads, dresser, chiffonier, dressing table, desk chair.....	\$878.25	\$790.25
8-piece French gray enamel hand-decorated suite; twin bedsteads, dresser, chiffonier, dressing table, table, night table, chair and bench.....	\$1,090.00	\$872.00
8-piece cafe au lait enameled suite; twin bedsteads, dresser, chiffonier, dressing table, night table, chair and bench.....	\$1,327.00	\$995.25

Sixth Gallery, New Building.

2 unexpected purchases of frocks for Miss 14 to 20

There is a tremendous demand for navy blue Georgette crepe and taffeta frocks. There is a scarcity of taffeta frocks, and Georgette crepe dresses are only being shown at the new Autumn (high) prices. However, we made a tireless effort to find some and we did—small quantities—at surprisingly low prices. Of course, they are from our regular manufacturers.

Georgette crepe frocks, \$25

We liked the model so much that we have had it sketched. Its simplicity is charming, is it not? Foundation of China silk to match. In white, pink and black, as well as in navy blue. Only 32 frocks.

Navy blue taffeta frocks, \$25

New accordion pleated skirt and the becoming Directoire neckline are the charming features of one model. Another has the new slashed tunic, and the third model has an attractive band of puffing around the bottom of the skirt. Also a model in crepe de chine; skirt is tucked and bodice is embroidered. Only 50 frocks.

Second floor, Old Building.

Light-weight blankets

All at a saving
Cotton plaid blankets, 64 x 76 in. and 66 x 80 in.—pink, blue, gray and tan effects—now down to \$3.75, \$4.75 and \$5.25 pair.

White blankets, single bed size, with wool in filling on cotton warp—now down to \$5.75 pair.

White blankets of same quality, 66 x 80 in., \$7.25 pair. Extra large, 76 x 82 in., \$9 pair.

Also white crochet bedspreads reduced
Single bed size, \$2.50; double bed size, \$3.

Fourth Gallery, New Building.

Decorative linens

Quarter to half less
A fascinating collection of odd pieces and groups, slightly soiled—dolies, centerpieces, scarfs, square, etc., Madeira hand-embroidered; and some lace-edged pieces with pure linen centers.

About 660 dolies, from 12½c up.
125 scarfs, from \$1.50 up.
145 centerpieces, from \$1.25 up.
25 per cent. is the smallest reduction.

Tuesday—Main Aisle, Old Building.

Summer cotton remnants

5,000 yards, in lengths from 1½ yards to whole dress lengths—a great assortment, including the most popular of the summer's styles and weaves—originally 25c to \$2 yard—Today, 10c to \$1 a yard.

Main Aisle, Old Building.

Here's a refrigerator that costs but \$30

while another refrigerator, made by the same manufacturer the same way, just one inch wider, one inch deeper and two inches higher, sells for \$53.75.

The \$30 refrigerator is the WANAMAKER - SPECIAL, 35 inches wide, 22 inches deep, 50 inches high, holds 125 lbs. ice, and has provision chambers lined with baked-on (not painted) white enamel.

A new lot just in.

Seventh Gallery, New Building.

Summer afternoon and evening wraps

Earlier in the season a famous designer had, by a stroke of genius, the idea of making a reversible satin evening wrap, made with a great soft collar and on a draped hood effect in back. These have been tremendously favored. The women with a natural instinct for smart things realized their possibilities immediately.

We've had to re-order these. This is a new shipment of these wraps and they are really lovelier than the original ones.

In black, Copenhagen blue and taupe, with reversible contrasting linings. At \$39.50.

Second floor, Old Building.

Frills

Frills are tremendously essential at this time of the year, when one's summer things are maybe a wee bit fagged or tiresome.

Nothing freshens a frock like neckwear

And the little embroidered collars